

method of enhancing immune reconstitution in a transplant recipient; Group II, claims 7-14 and 38-51, drawn to a method of treating or preventing an infection; Group III, claims 21-29 and 52-58, drawn to a method of enhancing immune reconstitution in a subject with cancer and a method of treating cancer; Group IV, claims 30-37, drawn to a method of treating or preventing an infection in a genetically unrelated solid organ transplant recipient.

✓  
In response, applicants elect Group I, claims 1-6 and 15-20, with traverse.

Applicants also traverse the restriction requirement as currently set forth for the following reasons. To be valid, a restriction requirement must establish both that (1) the inventions are either independent or distinct, and (2) that examination of more than one of the inventions would constitute a burden to the Examiner. The Office Action mailed April 24, 2002, sets forth reasons why the claimed methods allegedly are distinct. Applicants note, however, that the restriction requirement does not provide sufficient basis to indicate that examination of more than one of the methods would overly burden the Examiner. The only reason given is that a divergent literature and patent search would be required.

2. The Office Action also required election of a species from among the chemotherapeutic agents listed in claims 6, 12 and 20. In response, applicants elect for examination 9-D-arabinofuranosyl-2-fluoroadenosinemonophosphate (fludarabine), without traverse.

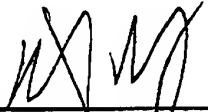
Favorable consideration of claims 1-6 and 15-20 is earnestly solicited.

ATTORNEY DOCKET NO. 05010.0087U1  
Application No. 09/945,339

It is believed that no fee is due with this Response. However, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

  
\_\_\_\_\_  
Robert A. Hodges  
Reg. No. 41,074

NEEDLE & ROSENBERG, P.C.  
The Candler Building  
127 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1811  
(404) 688-0770  
(404) 688-9880 (fax)

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via facsimile transmission to: 703/308-4315, Technology Center 1600, ATTN: Examiner M. Bellyavskiy, U.S. Patent and Trademark Office, Washington, D.C. 20231 on the date indicated below.

  
\_\_\_\_\_  
Jo Anne Tyson

5-24-02  
Date